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BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

DEPARTMENT OF TRANSPORTATION

1991 FEB 20 PM 4: 24

DOCKET SECTION

In the matter of)
)
Aviation Security:)
Passenger Manifest Information)

Docket 47383

COMMENTS OF AEROCANCUN

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Aeronautica de Cancun, S.A. de C.V. (Aerocancun) is a flag carrier of Mexico and it currently operates charter service between the United States and Mexico pursuant to an exemption issued in accordance with the Air Transport Agreement between the United States of America and the United Mexican States. In response to the request for comments contained in the Advanced Notice of Proposed Rulemaking (ANPRM), published in the Federal Register on January 31, 1991 (56 Fed. Reg. 3810), Aerocancun hereby states its objection to any requirement that it comply with additional passenger manifest requirements.

It is Aerocancun's understanding that the specific requirements which the Department is considering would, if implemented, require carriers to obtain each passenger's full name, passport number, and the name and telephone number of a contact for each passenger.^{1/} Aerocancun further understands that although the U.S. Congress has mandated these requirements with respect to U.S. carriers, it has only requested that the Department "consider" whether similar requirements should be made applicable to foreign carriers such as Aerocancun. In this connection, Aerocancun respectfully submits that (1) whatever policy grounds may support application of these passenger manifest requirements to U.S. carriers are not applicable to and do not warrant extension of these requirements to foreign carriers and (2) that any such extension to foreign carriers would subject such carriers and their passengers to unnecessary and unwarranted financial and administrative costs.

As described in the ANPRM, the primary purpose of the proposed passenger manifest requirement is to provide sufficient information to the U.S. Department of State to enable that agency

^{1/} More specifically, the ANPRM states that passport numbers would be required "if required for travel." In this connection, AeroCancun is assuming that passport numbers would not be required for passengers travelling between the United States and Mexico, for which a passport is not required. To the extent that assumption is incorrect, Aerocancun would object to any such requirement as being impossible to enforce given the large number of its passengers who lawfully travel between the United States and Mexico without passports.

to respond to inquiries from concerned relatives of passengers in the event of an aviation disaster. While such a purpose may make sense with respect to U.S. carriers, Aerocancun respectfully submits that imposition of passenger manifest requirements on a carrier such as Aerocancun would serve no useful purpose.

For one thing, Aerocancun seriously questions whether many, if any, concerned relatives would expect the U.S. State Department to have immediate passenger information in the event of an aviation disaster affecting a flight of a foreign carrier. Aerocancun submits such an inquiry would be unusual, to say the least, even in the case of a U.S. citizen passenger. An inquiry to the U.S. State Department would be even less likely if the passenger were a citizen of Mexico, or of a third country. In this connection, Aerocancun respectfully submits that the small likelihood that any inquiries regarding Aerocancun passengers would ever be directed to the U.S. State Department negates any justification for imposing manifest requirements on foreign carriers such as Aerocancun.

The argument against imposing such requirements on foreign carriers such as Aerocancun is bolstered by consideration of the financial costs and administrative burdens which would inevitably accompany any such requirements. At a minimum, extending the proposed requirements to foreign carriers would

require Aerocancun to hire additional staff to obtain and compile the additional required passenger information. These additional personnel represent unjustified and unnecessary expenditures which would be especially troubling during the current period of decreased international travel and decreased revenue for international carriers. Moreover, Aerocancun submits that the additional processing time necessary to record that information would increase delays and crowding at already overtaxed international airports.

The administrative burden would be especially onerous for foreign carriers such as Aerocancun which transport only charter traffic. As is customary in the charter market, Aerocancun has little or no contact with its passengers prior to their arrival at the departure airport. All sales and solicitation activities are performed by travel agents (who are the primary point of contact with the traveling public) and/or tour operators. As is also customary in the charter market, in most cases Aerocancun is not even given a copy of the passenger manifest, which is completed by the tour operator on the basis of information supplied by travel agents, until 48 hours before flight departure. If, as frequently occurs, the tour operator and travel agents sell additional seats less than 48 hours before departure, Aerocancun may not be notified of the names of such passengers until just prior to departure. Under these circumstances, the only practical means for Aerocancun to ensure

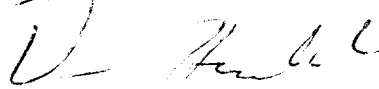
collection of the proposed passenger manifest information would be to compile it when the passengers check in at the ticket counter immediately before departure. This procedure would guarantee increased delay, congestion and confusion at already overtaxed international airports.

To further complicate matters, Aerocancun does not have a computerized reservation system (CRS). In other words, and unlike U.S. carriers which utilize sophisticated CRS's, Aerocancun's staff would have to compile the required information by hand. Under all of these circumstances, Aerocancun respectfully submits that the significant burden which would result from any requirement that it obtain and record the proposed passenger manifest information for its charter passengers substantially outweighs the limited and, in Aerocancun's view, questionable benefits that might result from extending this proposed requirement to foreign charter carriers such as Aerocancun.

In conclusion, Aerocancun respectfully submits that extending the proposed passenger manifest requirements to foreign carriers such as Aerocancun would impose unnecessary costs in return for little or no benefit. Accordingly, Aerocancun respectfully requests the Department of Transportation to refrain from applying any additional passenger manifest requirements to

foreign air carriers such as Aerocancun.

Respectfully submitted,



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